

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

LARGAN PRECISION CO., LTD.,

Plaintiff,

v.

**ABILITY OPTO-ELECTRONICS
TECHNOLOGY CO., LTD.;
NEWMAX TECHNOLOGY CO., LTD.; AND
HP INC.**

Defendants.

Case No. 4:19-cv-00696-ALM

DECLARATION OF TONY BACA

I, Anthony (“Tony”) Baca, hereby declare:

1. I am the same Tony Baca who previously submitted a declaration in this case in support of HP’s motion to disqualify counsel. I have personal knowledge of the facts set forth in this Declaration and, if called to testify as a witness, could and would do so under oath.

2. I am an attorney at law, admitted to practice law in all courts of the states of Arizona and Idaho, and I am a Senior Litigation Manager of Defendant HP Inc. (“HP”).

3. I was admitted to the Arizona State Bar in 1992. I have been a registered patent agent/attorney since 1989.

4. I have been an attorney at HP since July 1993. When I joined the company, it was known as Hewlett-Packard Company. On November 2, 2015, Hewlett-Packard Company split into two publicly traded companies, HP and Hewlett Packard Enterprise Company. The personal computer and printing business units of Hewlett-Packard Company remained with HP.

5. HP’s headquarters is located at 1501 Page Mill Road, Palo Alto, California 94304. HP’s

headquarters are approximately 19.5 miles from the San Jose courthouse in the Northern District of California, and are not significantly further from the courthouses in San Francisco or Oakland. Management, tracking, and decision-making regarding HP products have historically been centered at its Palo Alto headquarters.

6. The HP laptops accused of infringement by Largan were developed in the Northern District of California. They are sold nationwide by HP in every district, including both the Eastern District of Texas and the Northern District of California.

7. Camera modules in the accused HP laptops are selected, tested, and managed primarily by employees located in HP's Taiwan office. Decisions regarding sales, marketing, and financial matters related to the accused HP laptops are made by employees in HP's headquarters in Palo Alto.

8. HP employs approximately 1,500 employees at its headquarters, which is the majority of its U.S. employees. Decisions regarding sales, marketing, and financial matters related to the accused laptops are made by employees at HP's Palo Alto headquarters. As of now, HP has identified at least the following employees, with relevant knowledge regarding sales, marketing, revenues, and profits of the accused HP products, who are all located in Palo Alto:

- a. Mark Sanchez, the General Manager for North American Consumer PCs, who is responsible for various aspects of the marketing and sales for HP consumer laptops and consumer Chromebooks;
- b. Charalampos Papapanagiotou, the Head of North America PC Commercial Category, who is responsible for various aspects of the marketing and sales of HP commercial laptops and Chrome Enterprise laptops;
- c. Mari Young, U.S. Retail Director of Product Marketing, who is responsible for

various aspects of the marketing and sales of HP consumer laptops and consumer Chromebooks;

- d. Daryl Butler, Senior Marketing Director, U.S. Consumer Personal Systems, who is responsible for various aspects of the marketing of HP consumer laptops and consumer Chromebooks;
- e. David Contreras, Head of U.S. Commercial Marketing, Personal Systems, who is responsible for various aspects of the marketing of HP commercial laptops and Chrome Enterprise laptops and workstations;
- f. Laura Crawford, Senior Finance Manager, who is responsible for financial accounting for HP laptops and HP Chromebooks sales in the United States;
- g. Venicio Navarro, who is responsible for financial accounting for HP consumer laptops and HP Chromebook sales in the United States;
- h. Steven Kissinger, who is responsible for financial accounting for HP consumer laptops and HP Chromebook sales in the United States;
- i. Jessica Chong, Director of Product Management of PC, who has knowledge about HP Chromebooks; and
- j. William Wong, HP Product Manager for Consumer PC, who has knowledge of Chromebook development.

9. None of the HP witnesses listed above live or work in the Eastern District of Texas, and neither do any of the HP employees who report to them. HP has never had any employees with any decision-making responsibility for the accused HP laptops located in the Eastern District of Texas. HP does not have any employees in the Eastern District of Texas who are responsible for the design, development, manufacturing, or marketing of the accused HP products.

10. The teams of HP employees who worked on the accused HP laptops, and have knowledge about project development, product management, marketing, sales, and financial accounting regarding the accused HP laptops, are primarily based in Palo Alto, California; Spring, Texas; and Taiwan.


11. HP has one hundred and two (102) employees at its Plano, Texas. None of those employees are responsible for the design, development, manufacturing, or marketing of the accused HP laptops.

12. The majority of HP's documents related to the design, development, marketing, and sales of the accused HP laptops are located in the Northern District of California or elsewhere, and not in the Eastern District of Texas. HP is not aware of any documents relevant to this case or to the accused laptops that are physically located in the Eastern District of Texas.

13. The "authorized service centers for 'Consumer Desktops and Notebooks'" and "customers/users who are residents" of the Eastern District of Texas referenced by Largan in Paragraph 13 of its Complaint is misleading. The "authorized service centers" are third-party electronics stores, such as Best Buy, that HP has authorized to provide service and repairs for HP products. These are not HP facilities and are not staffed by HP employees. Furthermore, customers and users of HP products in the Eastern District of Texas are indistinguishable from those that reside in every other U.S. district where HP products are sold, including the Northern District of California.

I declare under penalty of perjury under the laws of the State of Texas and the United States of America that the foregoing is true and correct.

Executed this 1st day of March, 2020, in San Francisco, California.



Tony Baca